UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,687	08/07/2000	Kathryn A. Engholm	6972 US	3621

7590 09/11/2003

Francis I Gray
Tektronix Inc
P O Box 500
Delivery Station 50 Law
Beaverton, OR 97077

EXAMINER
NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
2614	11

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 11

Application Number: 09/633,687
Filing Date: August 07, 2000
Appellant(s): ENGHOLM, KATHRYN A.

Francis I. Gray, Reg. 27,788
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 27, 2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because claims 8 and 12, and 13 also stand or fall together with claims **1-7,10 and 11**.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,291,285 Yokoyama et al. 3-1994

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-3, 6-7, 10-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoyama et al., U.S. Pat. No. 5,291,285.

Considering claim **1**, the claimed display of signal characteristics for multiple channels/codes within a region of interest comprising a status ribbon having a plurality of stripes, each stripe representing at least one channel/code within the region of interest and having a trait representative of a value for the at least one channel/code, is met by Signal Level Images or Bars 96, 97, and 98, (Fig.3) which display levels of television channels having a plurality of ranges and amplitude, associated with respective TV channels, wherein the number of channel representation (bars) on the screen may be changed as necessary (col. 8, lines 7-17), and by the disclosure that "a region 92 within the scale display region 91 for displaying level images, such as bars 97, associated with respective TV channels." (Col. 4, lines 64-67)

Considering claim **2**, wherein the trait represents a measured value for a signal parameter of the at least one channel where the region of interest is a frequency range having multiple channels, is met by is met by Fig.3, which illustrates the control panel and screen of a TV signal level meter, including bars 96,97 and 98 show the digital level value of a specified channel.

Considering claim **3**, wherein the trait represents a condition for a signal parameter of the at least one channel where the region of interest is a frequency range having multiple channels.

Regarding claim 3, see rejection of claim 2;

Considering claim **6 and 7**, wherein the trait is color and wherein the trait is brightness, respectively, is inherent because bar graphs in spectrum analyzers such as shown in FIG.3 for channels 96 to 98 or for other data are shown in different colors or different brightness levels to make it easier for the user of the level meter or spectrum analyzer.

Considering claim **10**, wherein the trait represents activity for the at least one code where the region of interest is a digital communications radio frequency channel is met by bar 96, Fig.3.

Considering claim **11**, wherein the trait represents a parameter for the at least one code where the region of interest is a digital communications radio frequency channel.

Regarding claim 11, see rejection of claim 10.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims **4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama et al., U.S. Pat. No. 5,291,285.

Considering claims 4 and 5, Yokoyama et al. discloses all claimed subject matter, except for;

wherein the condition is selected from the group consisting of pass and fail and wherein the condition is selected from the group consisting of pass, caution and fail;

Regarding claims 4 and 5, Yokoyama discloses the "region 94 for displaying digital values and other data for a specified channel (SP-CH); and a region for displaying other data items. Yokoyama discloses a TV signal level meter which is capable of measuring an simultaneously indicating the levels of signal for a multitude of TV channels. (Col. 2, lines 5-8) Since the claimed conditions such as pass, caution and

fail imply some sort of measurement or test had been done or conducted on the desired subject, it would have been, therefore, obvious to the skilled in the art at the time the invention was made to modify the reference of Yokoyama to display such claimed conditions as pass, caution and fail in the region 94 for displaying digital values and other data items, so that the user can easily monitor the operation.

Response to Arguments

4. Applicant's arguments filed November 27, 2002 have been fully considered but they are not persuasive.

(11) Response to Argument

Appellant's Arguments

a) Appellant submits that the present specification provides a definition of "status ribbon" 10 as shown in Fig.1 and described at page 3, line 10 through page 4, line 9 which "is not repugnant to the term's well known usage." Each channel/code or group of channels/codes is represented by a "stripe" 12 having a "trait", which is further defined in dependent claims 6 and 7 as including "color" or "brightness" (shading). In contradistinction the bar graph display region 92 of Yokoyama et al shows bars 96,97,98 separated by spaces, one bar for each video channel so they do not represent more than a single channel, with a channel level measurement being represented by the amplitude of the bar rather than a trait of the bar itself. Appellant submits that no person, ***"even one with no skill in the art,"*** [emphasis added] would reasonably give

such a broad interpretation as to equate the bar graph display region with a ribbon or the individual bars with stripes even using ordinary meanings, and especially after reading the specification and seeing Fig.1. Therefore, Appellant submits that claim 1 is neither anticipated nor rendered obvious to one of the ordinary skill in the art by Yokoyama et al.

Examiner's Answer

Yokoyama et al discloses a television signal level meter, which is capable of simultaneously displaying levels for a multitude of television channels in a scale having a variable dynamic range. Figure 3 of Yokoyama discloses a diagram illustrating a front panel of the TV signal level meter including a control panel and a screen. Yokoyama et al discloses "a region 92 within the scale display region 91 for displaying level images, such as bars 97, associated with respective TV channels; a region 93 below the region 92 for displaying TV channel numbers; a region 94 for displaying digital values and other data for a specified channel (SP-CH) and a region for displaying other data items." (Col. 4, line 64 through col. 5, line 2)

Yokoyama's bar or level image 97 represents a signal level of the channel. Yokoyama discloses the region 94 for displaying digital values and other data for a specified channel (SP-CH); and a region for displaying other data items. Yokoyama discloses a TV signal level meter which is capable of measuring and simultaneously indicating the levels of signal for a multitude of TV channels. (Col. 2, lines 5-8)

Furthermore, Yokoyama discloses that "the image representing a level of each TV channel may be another graphical representation other than the bar chart as employed in the illustrative embodiment. Secondly, although the number of bars simultaneously displayed on the screen is determined to be eight, this number may be changed if necessary as long as the level image display region on the screen permits. It is also possible to change the number of bars designating channels. Further, while the number of channels whose signal levels are digitally displayed is one in the forgoing embodiment, the number of such channels may be increased if necessary. Also the digital values of levels of all channels may be displayed on the screen. (see col. 8, lines 6-21)

Examiner notes that the Appellant agrees there are plural channels/frequencies per bar; however, the claim only recites "at least one." Please note also that in the reference of Yokoyama, the bottom and top of the signal level 97 are not shown, as in the claimed "ribbon". Such lines, as used by Appellant, serve only as visual aids for presenting some continuity. In other words, the top and bottom lines of Appellant's "ribbon" which connect real frequencies are only for depiction purposes, and not for any actual signal representation. Examiner submits, therefore, that the Yokoyama reference clearly shows a "ribbon", without the top and bottom lines, of course. And, if one were to add top and bottom lines to the bars 96,97,98, in Fig.3, these signal levels (the bars) would be equivalent to the claimed "ribbon".

The Examiner further submits, given the broadest reasonable interpretation, the amplitude of the bar may be considered a trait of the bar. Further, Yokoyama's bars

separated by spaces meet the claimed stripes separated by spaces, one stripe or bar representing a channel or code, as Appellant admits.

Therefore, the argument that the bars 96,97,98 of Yokoyama separated by spaces with a channel level measurement is being represented by the amplitude of the bar rather than a trait; that Yokoyama et al. do not teach or suggest a status ribbon display; and that image levels of Yokoyama are not equivalent and do not suggest the stripes, is unpersuasive.

Allowable Subject Matter

5. Claims **8, 12-13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art, Yokoyama et al., fails to disclose a display of signal characteristics comprising, a draggable window encompassing a subset of codes for which additional detail is desired where the region of interest is a digital communications radio frequency channel, as in claims **8** and **12**; and, comprising a subsidiary window having a plurality of stripes representing the subset of codes, each stripe representing a single one of the subset of codes and having the trait representative of the value for the single one of the subset of codes, as in claim **13**.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Paulos Natnael PMN
September 4, 2003

Conferees
John Miller
Victor Kostak

Francis I Gray
Tektronix Inc
P O Box 500
Delivery Station 50 Law
Beaverton, OR 97077